**United States Bankruptcy Court**
**Eastern District of Missouri**

# Instructions on Transcript Related CM/ECF Events

This document explains the Judiciary's recent change in redaction of sensitive information from transcripts and identifies the changes to CM/ECF that this Court has taken to incorporate this change.

## Overview of Policy Change

The Judicial Conference of the United States has implemented policies to protect sensitive private information about parties, witnesses, and others involved in a civil, criminal, or bankruptcy case. To that end, all documents filed with the court and made available to the public, whether electronically or on paper, should limit certain information as follows:

- for Social Security numbers, use only the last four digits;
- for financial account numbers, use only the last four digits;
- for names of minor children, use only their initials;
- for dates of birth, use only the year; and
- for home addresses, use only the city and state.

The Judicial Conference has approved a similar policy for **electronic transcripts**, and this policy applies to any court that makes transcripts available to the public electronically. The policy involves the following steps:

1. The parties have five (5) business days after the court reporter or transcriber has filed the official transcript with the clerk's office to file a notice of request for redaction.
2. The parties have a total of twenty-one (21) days, or longer if ordered by the Court, from the time the official transcript is filed to submit the actual request for redaction.
3. Any response in opposition to the request for redaction is due within ten (10) calendar days from the date the request for redaction is filed.
4. If neither of the first two deadlines are met and the court has not ordered an extension of the deadlines, the transcript will be placed on the public record in the ordinary course.

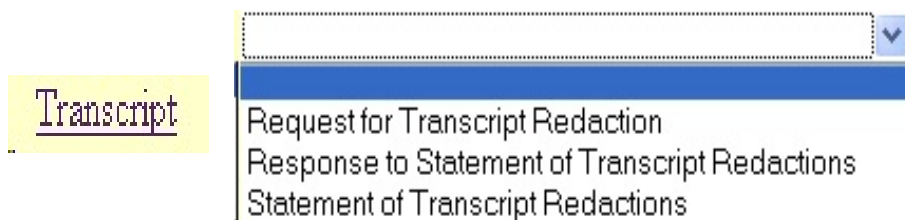A flow chart illustrating these steps is attached to this instruction memo.

To implement the Judicial Conference policy, the Court has made several changes to the dictionary in CM/ECF which will become effective June 25, 2007. Included within the CM/ECF changes are three new transcript related events which can be docketed by external filers. Those three events are located within a new menu option called Transcript within the Bankruptcy and Adversary menus.

**CM/ECF Events**

1) **Initial Court Event** - The process by which a party requests a transcript is unchanged. When the Court receives the transcript from the transcriber, the Court dockets a new *Transcript Restricted* event which includes the full transcript. The event is restricted in that CM/ECF external users cannot access or "see" the transcript attached to the event. The event also generates a form notice which is not restricted and is mailed to the parties who appeared at the hearing. A copy of the form notice is attached to this instruction memo. The event generates two deadlines - one to let the court know the party intends to redact and one to list the redactions sought.

13 Transcript Restricted. Court Certificate of Mailing of Form Notice Attached. Number of Notices mailed: 2. (RE: related document(s)11 Motion for Summary Judgment filed by 3rd Pty Defendant Phyllis Veron. Barker Thomas) Intention to Redact Transcript due 6/4/2007.Redaction of Transcript due 6/15/2007. (moej, ) (Entered: 05/25/2007)

2) **Transcript Menu Option Under Bankruptcy and Adversary Menus** - Under both the Bankruptcy and Adversary menus, there is a new menu option called Transcript as displayed in the print screen below. Within this menu option are the three new events related to transcripts which can be used by external users. A print screen of the three events which the user can select from the Transcript menu option is included below.

Transcript

Request for Transcript Redaction
Response to Statement of Transcript Redactions
Statement of Transcript Redactions

3) **Request for Transcript Redaction Event** - Within 5 business days of the *Transcript Restricted* event being filed, the parties to the hearing related to the transcript must file a *Request for Transcript Redaction* which expresses the filer's intent to redact the transcript. This event is a virtual event for external users in that no PDF document is allowed to be attached to the event. For pro-se filers, the Court attaches a PDF document to the event but the PDF cannot be viewed by external users. The event has a mandatory link to the *Transcript Restricted* event. A sample docket text of the *Request for Transcript Redaction* event is included in the print screen below.

Request for Transcript Redaction Filed by 3rd Pty Defendant Phyllis Veron. Barker Thomas (RE: related document(s)[13] Transcript Restricted, ). (atty3, )

4) **Statement of Transcript Redactions Event** - If a party to the hearing related to the transcript files a *Request for Transcript Redaction* within five business days, they must subsequently file a *Statement of Transcript Redactions* event within 21 calendar days of the *Transcript Restricted* event being filed or seek an extension to time to do so. The *Statement of Transcript Redactions* event identifies the location of personal data identifiers sought to be redacted. The filer is to serve the document by regular mail upon all parties at the hearing and shall include a certificate of service listing the date and parties served. The PDF document attached to the event is restricted from the view of external users of CM/ECF. The event has a mandatory link to the *Transcript Restricted* event. The event sets a 10 calendar day deadline to file a response in opposition to the redactions. A sample docket text is included below.

| ▾ | Statement of Transcript Redactions Filed by 3rd Pty Defendant Phyllis Veron. Barker Thomas (RE: related document(s)[13] Transcript Restricted, ). Responses due by 6/8/2007. (atty3, ) |
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5) **Response to Statement of Transcript Redactions Event** - Any party may file a response in opposition to the Statement of Transcript Redactions within 10 calendar days of the date the Statement was filed, using the event *Response to Statement of Transcript Redaction*. The PDF document attached to the event is restricted from view to external users of CM/ECF. The event automatically satisfies the 10-day deadline set by the Statement of Transcript Redactions event. The Court will rule on the matter if such a response is filed. If a hearing is needed, the Court will send notice of hearing. A sample docket text is included below.
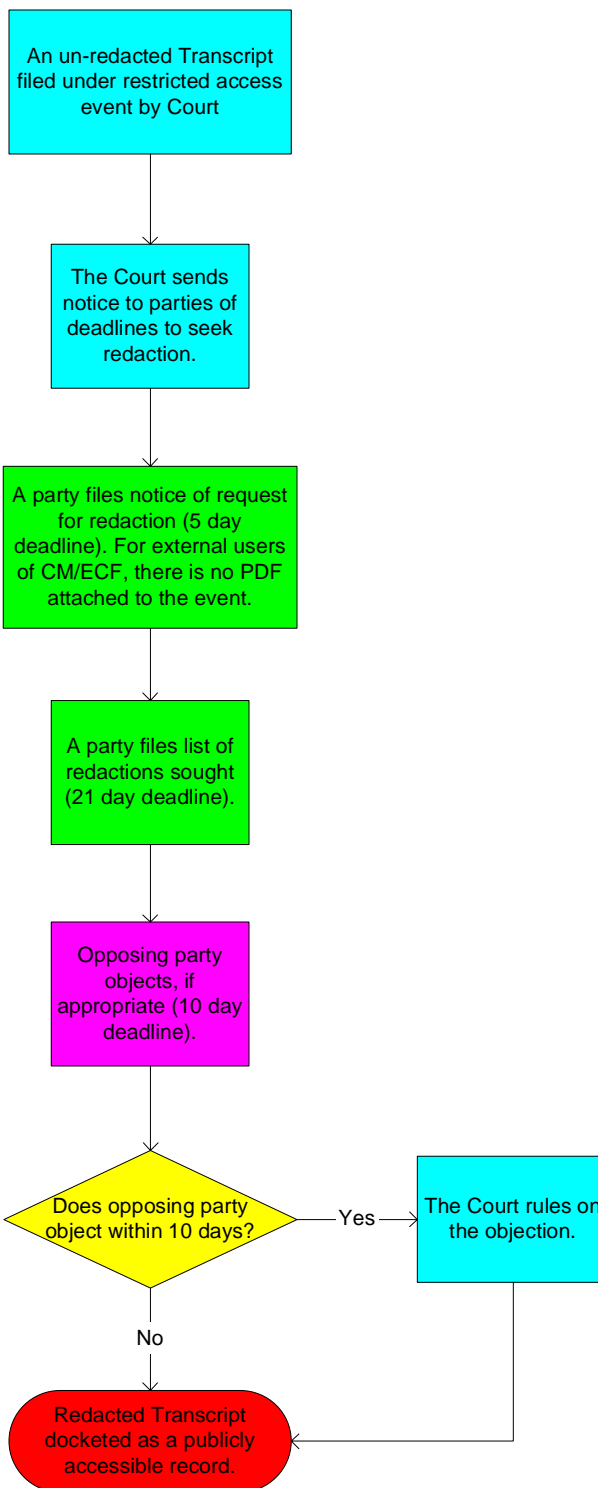
| ▾ | Response Filed by 3rd Party Plaintiff Jane A Eyre (RE: related document(s)[14] Statement of Transcript Redactions). (atty2, ) |
|---|---|

6) **Conclusion** - Once all of the redactions are made to the transcript, the Court will docket a new *Transcript Redacted* event in which the PDF document of the redacted transcript will be viewable to external users of CM/ECF. Like regular transcripts, transcripts which are redacted are not subject the 30-page PACER billing limit.

Any questions regarding the transcript process should be directed to Matt Parker, Director of Courtroom Services, at (314) 244-4801.

Dated: June 19, 2007

# United States Bankruptcy Court
## Eastern District of Missouri
## Transcript Redaction Process - Created: June 12, 2007

An un-redacted Transcript filed under restricted access event by Court

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The Court sends notice to parties of deadlines to seek redaction.

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A party files notice of request for redaction (5 day deadline). For external users of CM/ECF, there is no PDF attached to the event.

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A party files list of redactions sought (21 day deadline).

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Opposing party objects, if appropriate (10 day deadline).

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Does opposing party object within 10 days? — **Yes** → The Court rules on the objection.

**No**

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Redacted Transcript docketed as a publicly accessible record.

**UNITED STATES BANKRUPTCY COURT**
**Eastern District of Missouri**
**Thomas F Eagleton U.S. Courthouse**
**111 South Tenth Street, Fourth Floor**
**St. Louis, MO 63102**

*In Re:* Jane A Eyre and Richard Eyre         *Case No.:* 07–40001 – A399
*Debtor*

                                              *Adv. Proc. No.* 07–04001 – A659

Sir Heathcliff
*Plaintiff*
*v.*                                          *Chapter* 11
Jane A Eyre
*Defendant*


**Notice of Transcript and Deadlines for Requesting Redaction**

To:     All Persons of Record at Hearing

Please be advised that a transcript of the hearing held May 24, 2007, was filed with the Court on May 25, 2007 . Pursuant to the Judicial Conference Policy on Electronic Availability of Transcripts of Court Proceedings, you are notified that (1) access to this transcript is restricted from public view for **5 business days** after the date the transcript was filed, and (2) you may request to have personal data identifiers redacted from the transcript.

If you wish to have personal data identifiers redacted from the transcript, you must file a *Request for Transcript Redaction* within five (5) business days of this notice. Personal data identifiers include: **social security numbers, financial account numbers, names of minor children, dates of birth, and home addresses.** If no such Request is filed within the alloted time, the Court will presume redaction of personal data identifiers is not necessary, and the transcript will be made electronically available to the public within the CM/ECF case database.

**Within 21 calendar days** after the date the transcript was filed, any party seeking redaction shall file a *Statement of Transcript Redactions* identifying the location of the personal data identifiers sought to be redacted. The party filing the Statement shall serve it by regular mail upon all parties at the hearing and shall include a certificate of service listing the date and parties served. The Statement of Transcript Redactions will be restricted from public view and cannot be served electronically through the CM/ECF system. If no Statement of Transcript Redactions is filed within the allotted time, the Court will presume redaction of personal identifiers is not necessary, and the transcript will be made electronically available to the public within the CM/ECF case database.

Any party may file a response in opposition to the Statement within ten (10) calendar days of the date the Statement is filed using the *Response to Statement of Transcript Redactions* event. If a response in opposition to the Statement is filed, the Court will rule on the matter. If a hearing is needed, the Court will send notice of hearing. The final transcript will be made publicly available through the CM/ECF case database.

Any questions regarding the transcript process should be directed to Matt Parker, Director of Courtroom Services, at (314) 244–4801.


                                              FOR THE COURT:

Dated: 5/31/07

                                              /s/Dana C. McWay
                                              Clerk of Court

**Copies Mailed to:**
Jane A. Eyre, 698 Middlemarch Ln, St. Louis, MO 63306; Phyllis Veron. Barker Thomas, 11743 Branridge, St. Louis, MO 63033
05/07